

**Remarks before the U.S. Commission on International Religious Freedom (USCIRF)
Hearing on Blasphemy Laws and the Violation of International Religious Freedom**

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Blasphemy Law Enforcement: State Criminal Proceedings & Mob-Driven Violence

Many thanks to the USCIRF Commissioners for this invitation to speak to you all today.

The Commissioners have asked me to speak to the findings of our two-year study on the enforcement of criminal blasphemy laws released today. Our previous study and report from 2017 with USCIRF, *Respecting Rights? Measuring the World's Blasphemy Laws*, examined the content of laws criminalizing blasphemy and their compliance with international norms, but whether and how countries implement and enforce criminal blasphemy laws are of equal importance to assessing the impact of blasphemy laws on the rights to freedom of expression (FoE) and freedom of religion or belief (FoRB).

1. Defining Criminal Blasphemy Law Enforcement:

In addition to determining which countries still have active laws criminalizing blasphemy, we identified “cases” of enforcement of such laws.

For the purposes of this study, “state enforcement” of criminal blasphemy laws was defined as any affirmative action initiated by government officials, including, but not limited to, law enforcement officers (*e.g.*, police, security agents, prison officials) or judicial authorities (*e.g.*, prosecutors, judges) seeking to compel compliance with criminal laws and regulations targeting blasphemous speech or conduct. The study defines “affirmative action” as any reported action by officials that could have resulted in criminal sanctions regardless of whether it led to an investigation, arrest, prosecution, and/or punishment of the alleged blasphemer. Preliminary investigations and/or dropped charges also are considered affirmative state actions. Thus, a “case” of blasphemy law enforcement corresponds to government officials’ efforts directed against an individual alleged to have engaged in blasphemous speech or conduct and may or may not include a state-led criminal legal action against a defendant in a court of law.

To assist you in thinking about the types of cases, here are the three main categories of cases of enforcement that we found:

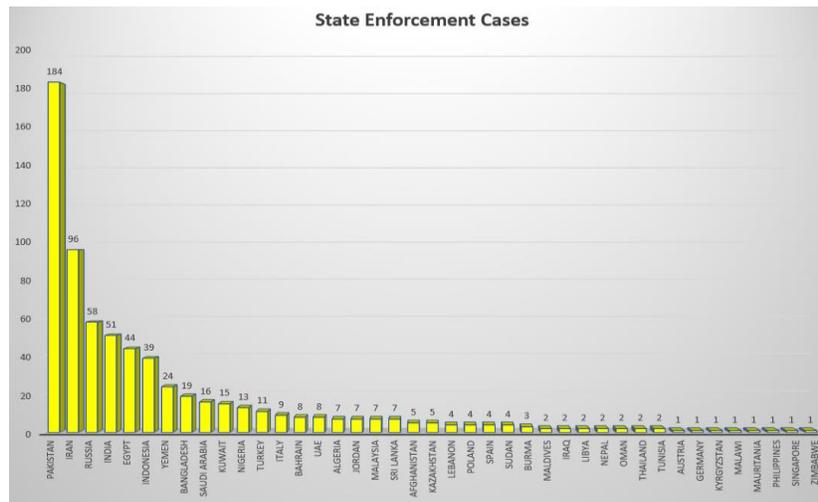
- (1) Government officials acted to enforce one or more criminal blasphemy laws on the books.
- (2) Government officials acted to enforce what is deemed blasphemous speech or conduct using other penal code provisions not identified as traditional blasphemy laws (*e.g.*,

telecommunications and press laws, anti-extremism laws, incitement to hatred laws, anti-conversion laws, and apostasy laws).

- (3) Government officials or other state employees retaliate against an individual accused of engaging in blasphemous conduct through perpetrating illegal, extrajudicial punitive measures (e.g., extrajudicial killings, enforced disappearances, acts of torture) against the alleged blasphemer.

2. State Enforcement through Criminal Proceedings

- In nearly half (41, or 49%) of the 84 countries with criminal blasphemy laws on the books, we found cases of state enforcement. That also means that we did not find any reports of criminal blasphemy law enforcement cases in just over half (43, or 51%) of the countries with laws in force.
- During the five-year period from 2014 through 2018, we found 674 reported cases of state criminal blasphemy law enforcement across those 41 countries.
- The number of cases varied greatly from country to country; 8 countries reported only 1 case, while Pakistan reported 184 cases.



- Based upon the cases that we identified, the highest number of cases occurred in the Asia/Pacific region (49%), followed by the Middle East (35%), Europe (11%) and Africa (5%).
- During the study period, 10 countries accounted for 81% of all reported cases of state criminal blasphemy enforcement. More than one quarter (27%, or 184) of those 674 reported cases were enforced by Pakistan, followed by 96 (14%) cases enforced by Iran, 58 (9%) by Russia, 51 (8%) by India, 44 (6.5%) by Egypt, 39 (6%) by Indonesia, 24 (3.5%) by Yemen, 19 (3%) by Bangladesh, 16 (2%) by Saudi Arabia, and 15 (2%) by Kuwait.

- The most commonly reported professions targeted for blasphemy are: lawyers; academics, intellectuals, or students; religious figures; media professionals, including musicians, actors, directors, and poets; politicians and governments officials; and human rights activists.
- When information about religious identity was available (about half of reported cases), most accused persons were Muslim (56%). This is true despite the likelihood that news sources underreport blasphemy cases against Muslims. Christians accounted for 25% of accused persons. Other groups targeted frequently included Atheists, Baha'is, and Hindus.
- Reports also indicated that state officials perpetrated acts of violence, including torture or cruel, inhuman, and degrading treatment or punishment, against accused blasphemers in Pakistan, Iran, Algeria, Egypt, Kazakhstan, Kuwait, Oman, Russia, Saudi Arabia, and Sri Lanka. Some of the violence included: forced psychiatric evaluations, forced confessions, sexual harassment, prolonged solitary confinement, and denial of medical care.
- Due process violations, especially in violation of fair trial rights, were also reported in Bangladesh, Egypt, India, Iran, Mauritania, Oman, Pakistan, Russia, Saudi Arabia, Spain, Sri Lanka, Sudan, and Yemen.
- Finally, social media was implicated at least 27% of all reported cases of criminal blasphemy law enforcement. Facebook and Twitter are the social media platforms implicated the most in reported cases.

3. State Enforcement through Mob-Driven Violence

In addition to direct state action, imminent threats, mob activity, and violence at the hands of private, non-state actors was a recurring phenomenon, with and without state action to enforce criminal blasphemy laws. Again, these numbers are likely an underestimate of the true scope of mob-driven violence.

- In total, there were 136 reported incidents of mob violence found from 2014 through 2018.
- Four countries account for nearly 80% of all reported incidents of mob activity, mob violence, and/or threats of mob violence as a result of alleged blasphemous acts in countries with criminal blasphemy laws.
- Nearly half (52) of those incidents of mob violence occurred in Pakistan, while significant numbers also occurred in Bangladesh (26), Nigeria (16), and Egypt (13). Indonesia (7), Jordan (5), and Russia (5) also had several incidents of mob violence.

These are some of the findings that you can read more about in the report—*Violating Rights: Enforcing the World's Blasphemy Laws*—that we are launching with USCIRF today. Thank you for your kind attention, and I look forward to questions and discussion.